

## EXHIBIT 5

## Jason Wolff

---

**From:** Michael M. Rosen  
**Sent:** Wednesday, July 12, 2006 11:02 PM  
**To:** nhamameh@sommerspc.com  
**Cc:** Jason Wolff  
**Subject:** Google/NetJumper: Stipulation and order

**Attachments:** Google-NJ depo scheduling stip.doc; Google-NJ depo scheduling proposed order.doc



Google-NJ depo  
scheduling stip...



Google-NJ depo  
scheduling prop...

Nabeel:

Long time no speak. How's everything in Detroit? We've been enjoying a lovely, hot summer here in San Diego.

I'm writing to follow up on Jason's letter from last week regarding modifications to the scheduling order to accommodate several depositions. I have enclosed a draft stipulation and proposed order for your and our signatures. Please let me know if it's acceptable to you and, if not, whether you have any changes.

All the best,  
Mike

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

NETJUMPER SOFTWARE, L.L.C.  
a Michigan limited liability corporation,

Plaintiff,

v.

GOOGLE INC.,  
a Delaware corporation

Defendant.

Civil Action No. 04-70366-CV  
Hon. Julian Abele Cook

Magistrate Judge R. Steven Whalen

---

Andrew Kochanowski  
Nabeel M. Hamameh  
SOMMERS SCHWARTZ, PC  
2000 Town Center, Suite 900  
Southfield, MI 48075

Michael H. Baniak  
Gary E. Hood  
BANIAK PINE & GANNON  
150 North Wacker Drive, Suite 1200  
Chicago, IL 60606

*Attorneys for NetJumper Software, L.L.C.*

Kathleen A. Lang (P34695)  
L. Pahl Zinn (P57516)  
DICKINSON WRIGHT PLLC  
500 Woodward Avenue, Suite 4000  
Detroit, MI 48226-3425  
(313) 223-3500

Frank E. Scherkenbach  
FISH & RICHARDSON P.C.  
225 Franklin Street  
Boston, MA 02110-2804

Howard G. Pollack  
FISH & RICHARDSON P.C.  
500 Arguello Street, Suite 500  
Redwood City, CA 94063

Jason W. Wolff  
FISH & RICHARDSON P.C.  
12390 El Camino Real  
San Diego, CA 92130-2081

*Attorneys for Google Inc.*

**JOINT STIPULATED MOTION TO MODIFY THE COURT'S SCHEDULING ORDER**  
**OF MAY 26, 2006**

Plaintiff NetJumper Software L.L.C. ("NetJumper") and Defendant Google Inc. ("Google") hereby file a joint stipulated motion to modify the Court's oral Scheduling Order of May 26, 2006. The parties desire additional time to conduct expert depositions, including to supplement their respective damages expert reports to reflect newly available data regarding the Google Toolbar. Accordingly, they jointly move to extend the deadline for expert discovery from July 31, 2006, to August 18, 2006.

Additionally, Google seeks leave to depose Dr. Randall Stark, out of turn, by August 31, 2006. Dr. Stark was identified as a trial witness for Google, but Google recently learned that he will be in Cambridge, England, and therefore unavailable during the current trial schedule in February 2007. NetJumper does not oppose such leave.

No other dates should be affected by these changes to the schedule.

Respectfully Submitted,

SOMMERS SCHWARTZ, P.C.

Dated: \_\_\_\_\_

By: /s/ Nabeel M. Hamameh  
Andrew Kochanowski  
Nabeel M. Hamameh  
SOMMERS SCHWARTZ, PC  
2000 Town Center, Suite 900  
Southfield, MI 48075

*Attorneys for NetJumper Software, L.L.C.*

FISH & RICHARDSON P.C.

By: /s/ Jason W. Wolff  
12390 El Camino Real  
San Diego, CA 92130  
(858) 678-5070  
wolff@fr.com

*Attorneys for Google Inc.*